

Michelle Houghton

From: Stephen Cantwell
Sent: 15 November 2013 08:34
To: bst shared
Subject: Yachthaven APP/13/00317 - Natural England (Nov 2013)

Hi

Please log this response.

thanks

Stephen Cantwell
Havant Borough Council
Development Control Team Leader
(02392) 446509

From: Thompson, Simon (NE) [<mailto:Simon.Thompson@naturalengland.org.uk>]
Sent: 14 November 2013 17:15
To: Stephen Cantwell
Subject: 102579 - Yachthaven development site, Hayling Island

Dear Stephen,

Thank you for your further consultation with regard to the proposals for the Yachthaven site. In our previous correspondence (dated 16 August 2013) we confirmed that our formal response was based on the assumption that the 26 licenses referred to in the application were lawful in planning terms, and that should this not be the case, we could not rule out a likely significant effect on the European site.

From your recent correspondence it appears that the number of mooring licenses which the Council consider may be lawful is in fact 6, and the advice below is based upon this being the case.

There are two issues to consider with regard to the moorings element of this application, (a) the direct impact to the designated site of the moored vessels (i.e. the area of designated habitat impacted as a result of the boats being on their moorings/pontoon), and (b) the potential disturbance impact of the boats being used.

a) If six moorings are considered lawful then this is what Natural England would consider as the baseline position, and therefore we would have no concerns with six boats being moored/berthed at the site as a result of the proposals. However, the application proposes 12 berths, in order for the full 12 berths to be considered acceptable in habitats regulations terms (relating to point (a)) it would need to be established that the designated area impacted by 12 vessels on a pontoon would be less, or no greater, than the impact of the 6 permitted mud moorings. In order to establish this the applicant would need to provide information regarding:

- i. The type of mud mooring that has previously been used at the site i.e. fore and aft, or swing.
- ii. The maximum length of vessel permitted by the license (if no maximum, a reasonable average of the type of vessel moored in similar locations in the harbour would be acceptable)

Using the above and the likely length of chain associated with the mooring, a calculation of the area of designated habitat impacted by the mooring can be calculated. Should the area of designated habitat impacted by 12 vessels (of the maximum size the applicant would permit) and the associated pontoon (unless this is being separately mitigated for) be less than the area impacted by the 6 mud moorings, then the presence of the vessels on their moorings is unlikely to lead to a likely significant effect.

b) The second issue is that of the disturbance related to the use of the boats, particularly to the nearby important roosting sites. Based on the above assumptions the proposals could lead to an increase of 6 boats over that which is currently considered lawful, however the applicant has agreed to put in place a code of conduct limiting the use of boats during the sensitive overwintering period. Therefore, we are considering the residual impact of 6 additional boats which are likely to be restricted in their use during the winter. It is our advice that it would be difficult to conclude that such an increase, subject to there being no impact under point (a), considered against the number of moorings already in use within Chichester Harbour could be considered as anything other than de minimus.

I hope that helps to clarify the Habitats Regulations considerations relating to the mooring element of the proposals. Should you have any questions, or require anything further, please do not hesitate to contact me.

Best regards

Simon

Simon Thompson

Lead Adviser

Land-Use Operations Team

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